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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,524	07/13/2001	Hawley K. Rising III	080398.P426	3479

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EXAMINER	
ALAM, SHAHID AL	

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,524	RISING, HAWLEY K.	
	Examiner	Art Unit	
	Shahid Al Alam	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 22 are pending in this Office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "A method" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "A system" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "A system" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106 IV.B.2.(b)

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

Claims 1 – 21, in view of the above-cited MPEP sections, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts. The use of a computer has not been indicated.

Theses claim do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. In other words the software must be *computer-readable.* The use of a computer is not evident in the claim. MPEP 2106.IV.B.1(a) refers to "computer-readable" medium with computer program encoded on it."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter "APA") and in view of U.S. Patent Number 6,233,183 issued to John Smith et al. (hereinafter "Smith").

With respect to claim 1, APA teaches a method for processing descriptions of audiovisual content, the method comprising: evaluating a description of audiovisual content (APA: page 2, lines 3 – 9); determining whether the description is an abstraction (APA: page 2, lines 12 – 16); and if the description is an abstraction, determining a level of abstraction (APA: page 2, lines 21 – 22).

APA does not explicitly teach **storing an indicator of the level of abstraction** with the description of audiovisual content as claimed.

However, Smith discloses claimed storing an indicator of the level of abstraction (Smith: column 4, line 63 – column 5, line 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was to combine Smith with APA to provide a uniform description scheme and to provide an abstraction layer between image, video and audio description schemes and multimedia applications and the stored, compressed data, which then allows the data to be referenced and accessed in terms of space and frequency views (see Smith: column 3, lines 3 – 8).

As to claim 2, the description of audiovisual content is a semantic description (page 2, lines 3 – 9).

As to claim 3, utilizing the indicator of the level of abstraction to determine a usage mode of the description of audiovisual content (Smith: column 1, lines 17 – 36).

As to claim 4, the usage mode is any one of a descriptive mode or an accessing mode (APA: page 1, lines 15 – 17 and Smith: column 1, lines 39 – 48).

As to claim 5, utilizing the indicator of the level of abstraction to determine whether the description of audiovisual content is a media abstraction (APA: page 2, lines 3 – 16).

As to claim 6, utilizing the indicator of the level of abstraction to determine whether the description of audiovisual content is a lambda abstraction (APA: page 2, lines 3 – 20).

As to claim 7, the indicator of the level of abstraction includes a positive integer to store a number associated with the level of abstraction (APA: page 2, lines 3 – 20).

As to claim 8, the indicator further includes a term to point to one of a plurality of entries in a classification scheme, the one of the plurality of entries being defined by the abstraction (APA: page 2, lines 3 – 20).

As to claim 9, the description of the audiovisual content is a description scheme (APA: page 2, lines 3 – 20).

With respect to claim 10, APA does not explicitly teach searching a database of descriptions using a level of abstraction specified by a user as claimed. Smith teaches claimed searching a database of descriptions using a level of abstraction specified by a user. Smith teaches steps of standardizing the interface for multimedia content search

and filtering in a large number of multimedia storage (see Smith: column 1, lines 43 – 54).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Smith with APA to improve the ability by which audio-visual content is indexed, searched, browsed, filed and filtered in a large number of multimedia storage and retrieval applications and to enable interoperability between image and video systems.

The subject matter of claims 11 – 22 are rejected in the analysis above in claims 1 – 10 and these claims are rejected on that basis.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,593,936 B1 issued to Huang et al.

U.S. Pub. No. US 2002/0157116 A1 issued to Jasinschi.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shahid Al Alam
Primary Examiner
Art Unit 2162

4 March 2005